



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re the Application of:

BAR-OR et al.

Serial No.: 09/820,416

Filed: March 29, 2001

Atty. File No.: 4172-15-1

For: "MARKER USEFUL FOR
DETECTION AND MEASUREMENT
OF FREE RADICAL DAMAGE
AND METHOD"

Commissioner of Patents
Washington, D.C. 20231

Group Art Unit: 1645

Examiner: Shahnan Shah, KS

APR 10 2002

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RESPONSE TO
RESTRICTION REQUIREMENT

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JM
4/17/02

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TYPED OR PRINTED NAME: KATHLEEN BUSSELL

SIGNATURE:

Kathleen Bussell

Dear Sir:

This response is filed in response to the Restriction Requirement having a mailing date of March 8, 2002. This response is believed to be timely and therefore, no fees are enclosed. In the event that fees are due in connection with this response, please debit Deposit Account No. 19-1970.

The Examiner has restricted the present application into six groups of claims, as follows: Group I (Claims 48-68); Group II (Claims 69-75); Group III (Claims 76-93); Group IV (Claims 94-97); Group V (Claims 98-99); and Group VI (Claims 100-101). Applicants provisionally elect, without traverse, to prosecute Group I (Claims 48-68), directed to a method of monitoring treatment of disease with a compound that produces or reduces free radical damage, by quantifying the presence of the marker, albumin.

The Examiner has also required several species elections for the Group I claims. Applicants provisionally elect the following species, without traverse:

Claim 48: the species of "**produce**" is elected, and Claims 48 and 51-68 read on the elected species;

Claim 50: the species of "**superoxide dismutase**" as the free radical scavenger is elected, and Claims 48-50 and 53-68 read on the elected species;

Claim 53 or 54: the species of "**serum**" as the sample is elected, and Claims 48-53 and 55-68 read on the elected species;

Claims 55-57 and 66-68: the species of "**cobalt**" as the metal ion salt is elected, and Claims 48-68 read on the elected species; and

Claims 59-62: the species of "**atomic absorption**" as the assay is elected, and Claims 48-58, 60-61, 63-64 and 66-68 read on the elected species.

With regard to the Examiner's species election requirement, Applicants submit that such a requirement is primarily, if not solely, intended to facilitate a search by the Examiner. Applicants note that the Examiner is obligated to examine the generic claims and submits that the scope of the claims of the present invention is not limited to the elected species.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____

Angela Dallas
Angela K. Dallas
Registration No. 42,460
1560 Broadway, Suite 1200
Denver, CO 80202-5141
(303) 863-9700

Date: _____

April 3, 2002